Case 1:02-cv-05074-JFK-RLE Document 32

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UNITED STATES DISTRICT COUNTY
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER S. ORENSHTEYN,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION,

Defendant.

CIVIL ACTION NO. 02 CV 5074 (JFK) (RLE)

JOINT PROPOSED REVISED SCHEDULING ORDER

Pursuant to the Court's April 25, 2011 Order (D.I. 31) the parties to the above-titled action submit this Joint Proposed Revised Scheduling Order which modifies the Joint Case Management Statement and Order (D.I. 11).

1. <u>Discovery and Scheduling (Rule 26(f)(3)(B))</u>

The parties have agreed to the following remaining pre-trial schedule:

ACTION	OLD DEADLINE	PROPOSED DATE
Parties serve proposed claim	April 18, 2003	July 15, 2011
construction statements		
Parties serve rebuttal claim	May 2, 2003	July 29, 2011
construction statements		
Parties serve claim	May 30, 2003	August 26, 2011
construction expert reports		
Parties serve rebuttal claim	June 27, 2003	September 30, 2011
construction expert reports		
Depositions of Plaintiff's	July 21, 2003	October 21, 2011
experts on claim	_	_
construction to be	August 1, 2003	November 4, 2011
completed between		
Depositions of Defendant's	August 11, 2003	November 16, 2011
experts on claim		
construction to be	August 22, 2003	December 1, 2011
completed between		

ACTION	OLD DEADLINE	PROPOSED DATE
Parties file and serve	September 12, 2003	December 16, 2011
opening claim construction	-	
briefs		
Parties file and serve	October 3, 2003	January 13, 2012
rebuttal claim construction		,
briefs on		
Claim construction hearing	November 21, 2003	February 28, 2012
to be scheduled on or after	,	,
Completion of fact	45 days after	45 days after Court's
discovery on liability issues	Court's ruling on	ruling on claim
	claim construction	construction
Parties serve expert reports	30 days after close	30 days after close of
relating to liability issues	of fact discovery on	fact discovery on
upon which a party bears the	liability issues	liability issues
burden of proof		
Opposition expert report	30 days after the	30 days after the parties
relating to liability issues	parties serve expert	serve expert reports
upon which a party bears the	reports relating to	relating to the same
burden of proof	the same	
Reply expert reports relating	15 days after the	15 days after the parties
to liability issues upon	parties serve	serve opposition expert
which a party bears the	opposition expert	reports relating to the
burden of proof	reports relating to	same
1	the same	
Deposition of Plaintiff's	30 days after reply	30 days after reply
experts on liability may	expert reports	expert reports relating
commence	relating to liability	to liability issues and
	issues and be	be completed 14 days
	completed 14 days	thereafter
	thereafter	
Deposition of Defendant's	14 days after	14 days after
experts on liability may	completion of	completion of
commence	depositions of	depositions of
	Plaintiff's experts	Plaintiff's experts and
	and be completed	be completed 14 days
	14 days thereafter	thereafter
All expert discovery on	Upon completion of	Upon completion of the
liability issues to be	the depositions of	depositions of
completed	Defendant's experts	Defendant's experts
Defendant's assertion of	Within 14 days	Within 14 days after
reliance on opinion of	after the close of	the close of expert
counsel as defense to willful	expert discovery on	discovery on liability
infringement	liability issues	issues

ACTION	OLD DEADLINE	PROPOSED DATE
Completion of all fact	60 days after close	60 days after close of
discovery on issues of	of expert discovery	expert discovery on
damages and willful	on liability issues	liability issues
infringement		
Plaintiff's expert reports on	30 days after close	30 days after close of
issues of damages and	of facts discovery	facts discovery on such
willful infringement	on such issues	issues
Opposition expert reports to	30 days after	30 days after Plaintiff's
be served	Plaintiff's expert	expert reports on issues
	reports on issues of	of damages and willful
	damages and	infringement
	willful infringement	
Reply expert reports	15 days after	15 days after opposition
	opposition expert	expert reports are
	reports are served	served
Deposition of Plaintiff's	30 days after reply	30 days after reply
experts on damages and	expert reports	expert reports relating
willful infringement may	relating to such	to such issues and be
commence	issues and be	completed 14 days
	completed 14 days	thereafter
- Allie - Alli	thereafter	
Deposition of Defendant's	14 days after	14 days after
experts on damages and	completion of	completion of
willful infringement may	depositions of	depositions of
commence	Plaintiff's experts	Plaintiff's experts and
	and be completed	be completed 14 days
	14 days thereafter	thereafter
All expert discovery on	Upon completion of	Upon completion of the
damages and willful	the depositions of	depositions of
infringement issues to be	Defendant's experts	Defendant's experts
Case dispositive motions to	15 days after the	45 days after the close
Case dispositive motions to be filed and served no later	45 days after the close of expert	of expert discovery on
than	discovery on	damages and willful
than	damages and	infringement
	willful infringement	manigement
Motions in Limine to be	No later than 60	No later than 60 days
filed and served	days after the	after the deadline for
med and served	deadline for filing	filing case dispositive
	case dispositive	motions
	motions	MANUAL
Pre-trial conference		To Be Determined
Pre-trial conference	November 3, 2003	To Be Determined

Dated: May 10, 2011

/s/ Joseph J. Zito

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Attorneys for Defendant International Business Machines Corporation

SO ORDERED this 12 day of 12ay

John F. Keenan

United States District Judge